

**THE VIRGINIA BOARD FOR  
WATERWORKS AND WASTEWATER WORKS OPERATORS**

**Criminal History Records Check Committee Meeting**

**MEETING MINUTES**

The Criminal History Records Check Committee of the Virginia Board for Waterworks and Wastewater Works Operators met on Tuesday, September 14, 2004 in Conference Room 5 West at the offices of the Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia.

This Committee was appointed by Chairperson Dan French during the Board's June 22, 2004 meeting to review the costs and benefits of performing criminal history records checks through fingerprints for license applicants. The committee was asked to develop recommendations for the Board to consider at the December 8, 2004 meeting.

The following members of the Committee were present:

Steve Cawthron, Board Member  
Eileen M. Leininger, P.E., Board Member  
Mark Anderson, Department of Health

The following members of DPOR staff were present during some or all of the meeting:

Louise Fontaine Ware, Director  
Karen O'Neal, Deputy Director for Licensing and Regulations  
David E. Dick, Executive Director  
Thomas Perry, Regulatory Boards Administrator  
Marilyn Mandel, Administrative Assistant

The meeting was called to order at 8:40 a.m. The Committee **Call to Order**  
agreed without dissent to the selection of Eileen Leininger as  
chairperson of the Committee.

The Committee agreed without dissent to adopt the agenda **Adopt Agenda**  
prepared by staff.

Chairperson Leininger opened the floor for public comment. No **Public Comment**  
member of the public was present. **Period**

The Committee discussed the process of criminal background checks and costs to the applicant and agency.

**Costs and Benefits  
Discussion**

The Committee requested staff to obtain additional information and agreed to the following action items:

**Report of the  
Committee**

1. DPOR Director Louise Fontaine Ware agreed to meet with Bob Crouch, Deputy Secretary of Public Safety, to determine the current view of his office concerning the need to conduct fingerprint checks on waterworks license applicants and to determine if his focus may have shifted from waterworks facilities to wastewater works facilities.
2. DPOR will determine the date that DPOR stopped requiring applications to be notarized and the date that DPOR added the criminal record questions to the application form.
3. DPOR staff will determine what specifically is checked by the Virginia State Police and the FBI -- Is it limited to Felony and Misdemeanor convictions or do they also look at INS and Federal agency records. Determine if the State Police field offices will fingerprint applicants, whether they will charge for doing so and whether they will mail the completed cards to DPOR if we provide properly addressed envelopes. Determine time frame to complete record check.
4. DPOR staff and the Committee members will begin to develop a survey for Waterworks owners to determine whether they perform criminal records checks on employees by fingerprints, etc., and to obtain other information to assess the costs and benefits of fingerprint/criminal record checks for first time hires and periodic/random checks of current employees. The information gained from Mr. Crouch will help to determine the focus of this survey.
5. Consider how to address those operators already licensed, specifically those who became licensed before the criminal record questions were added to the form; those who got a criminal record after they were licensed; or those who did not disclose their conviction record on the application form. DPOR staff will determine how many current regulants have actually reported a

conviction within 30 days after conviction as required by the regulations.

6. DPOR staff will examine the current renewal form and add/emphasize a question/item drawing the renewal applicants' attention to the regulation requirement to report criminal convictions within 30 days.

7. DPOR staff will determine from DPOR Compliance and Investigations Division if criminal history records checks by name can be performed through the Virginia State Police for all waterworks operators that apply for renewal in February 2005. The results will reveal how many current regulants have an undisclosed criminal conviction record. If the license renewal application name checks can be performed through the Virginia State Police, consultation with the Office of the Attorney General may be necessary to confirm that an applicant for license *renewal* is included in the authority granted under § 54.1-204 C of the Code of Virginia.

The next meeting will be held at the call of the Committee Chairperson.


Ms. Leininger agreed to present the Committee's report at the December 8, 2004 meeting of the Board.

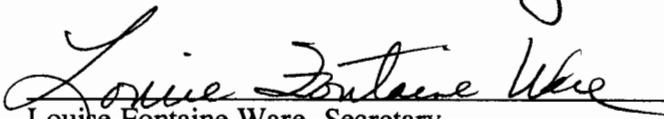
Chairperson Leininger asked the Board member to complete their conflict of interest form.

**Conflict of Interest  
Forms**

Chairperson Leininger, finding no further business to conduct, adjourned the meeting at 11:00 A.M.

**Adjournment**

  
Eileen M. Leininger, Chairperson

  
Louise Fontaine Ware, Secretary

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**Custodian of the Records**

**STATE AND LOCAL GOVERNMENT  
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of  
State Government**

1. Name: Steve W. Cawthron
2. Title: Board Member - Waterworks and Wastewater Works Operators
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Criminal History Records Committee Meeting on September 14, 2004
5. Nature of Personal Interest Affected by Transaction: None  
\_\_\_\_\_
6. I declare that:
  - (a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction: Water and Wastewater  
\_\_\_\_\_
  - (b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated: 9/14/04

Signature: SWC

**STATE AND LOCAL GOVERNMENT  
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of  
State Government**

1. Name: Eileen Leininger
2. Title: Board Member - Waterworks and Wastewater Works Operators
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Criminal History Records Committee Meeting on September 14, 2004

5. Nature of Personal Interest Affected by Transaction:

no personal interest

6. I declare that:

(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction:

water industry

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Dated:

9/14/04

Signature:

Eileen Leininger